

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, Both )  
individually and as Legal Guardian of )  
Shane Allen Loveland; and JACOB )  
SUMMERS )

Plaintiff(s), )

CASE NO. 8:18CV127

v. )

THE GOODYEAR TIRE & RUBBER )  
COMPANY )

Defendant(s). )

**PLAINTIFFS' RESPONSE TO GOODYEAR'S MOTION IN LIMINE REGARDING  
THE DAY IN THE LIFE VIDEO OF SHANE LOVELAND**

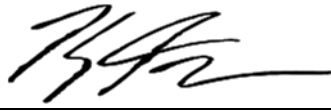
Plaintiffs submit this response to Goodyear's Motion in Limine Regarding the day in the life video of Shane Loveland and states as follows:

Goodyear seeks to preclude the "Day in the Life" video because it contains inadmissible hearsay from available witnesses, and it contains scenes and narrations specifically designed to create sympathy. Goodyear argues that the content of the video will inflame the jury and unfairly prejudice Goodyear. Goodyear's concerns for hearsay and the risk of unfair prejudice appears to stem from the dialogue and narration that occurs throughout the video. In order to address Goodyear's concerns for the risk of unfair prejudice, Plaintiffs will agree to offer the video without any audio. By removing the audio, the jury will only see visuals of Mr. Loveland's day-to-day life, such as his physical limitations and ability to interact with others, and not the scenes and narrations that Goodyear believes will cause unfair prejudice.

Respectfully Submitted,

KAster, LYNCH, FARRAR & BALL, L.L.P.

Dated: February 11, 2020

By 

Kyle Wayne Farrar (Pro Hac Vice)  
Texas Bar No. 24038754  
Wesley Todd Ball (Pro Hac Vice)  
1117 Herkimer Street  
Houston, TX 77008  
(713) 221-8300 (Telephone)  
(713) 221-8301 (Facsimile)  
Email: [kyle@fbtrial.com](mailto:kyle@fbtrial.com)

*and*

Paul E. Godlewski (#35567)  
SCHWEBEL GOETZ & SIEBEN, P.A.  
5120 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402-2246  
612-377-7777 (Telephone)  
612-333-6311 (Facsimile)  
Email: [pgodlewski@schwebel.com](mailto:pgodlewski@schwebel.com)

*and*

Michael F. Coyle  
FRASER, STRYKER LAW FIRM  
409 South 17<sup>th</sup> Street  
Ste. 500, Energy Plaza  
Omaha, Nebraska 681025  
(402) 341-6000 (Telephone)  
(402) 341-8290 (Facsimile)  
[mcoyle@fraserstryker.com](mailto:mcoyle@fraserstryker.com)

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on February 11, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

Edward S. Bott, Jr  
Clark W. Hedger  
Juliane M. Rodriguez  
10 South Broadway, Ste 2000  
St. Louis, MO 63102  
[esb@greensfelder.com](mailto:esb@greensfelder.com)  
[chl@greensfelder.com](mailto:chl@greensfelder.com)  
[jrodriguez@greensfelder.com](mailto:jrodriguez@greensfelder.com)

Jennifer D. Tricker  
1700 Farnam Street, Ste 1500  
Omaha, NE 68102  
[jtricker@bairdholm.com](mailto:jtricker@bairdholm.com)

*Attorneys for Defendant Goodyear Tire & Rubber Company*